IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 564 of 1994

Between:

K.Ramachandra, S/o Sri K.Kanakaiah,
Karimnagar Town, Karimnagar District.

..... PETITIONER

AND

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1 The Works Manager, APSRTC, Regional Workshop,
Karimnagar.
2 P.Narsaiah, S/o Sri Rajaiah, Gr.I, Regional Workshop,
(APSRTC), Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to the promotion of Respondent No.2 in file No.P2/145(10)/93-SE(W)KR, dt.8.10.1993 of the Respondent No.1 and quash the same arbitrary and illegal by way of issue of writ of certiorari with a consequential direction to the respondents to re-fix the seniority of the petitioner as per the regulations and promote him to the post o leading hand from the date when his juniors were promoted.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for Respondent No.1: Smt. G. Jyothi Kiran (SC FOR A.P.S.R.T.C.)

Counsel for Respondent No.2: Smt. P. Rajani Reddy

The Court made the following :

JUDGMENT: **(per TMK,J.)**

The petitioner was initially appointed as Grade-II Mechanic on 3.1.1981 in the first respondent unit by way of direct recruitment. Subsequently, he was promoted as Grade-I Mechanic with effect from 15-12-1988. The first respondent through his letter dated 23.12.1981 published a provisional seniority list of Mechanics in the workshop, in which the petitioner was shown at Sl.No.26 instead of Sl.No.13. Even though the petitioner filed a representation before the first respondent on 8-1-1982 for giving him proper placement in the seniority list, without considering his representation the first respondent published the final seniority list through its proceedings dated 23-5-1983. While so, subsequent to the appointment of the petitioner, certain employees have been transferred to Mechanic Grade-II on 3.3.1981 to work at regional workshop, Karimnagar and they have been shown above the petitioner in the seniority list. As per the circular, the transferred employees were eligible to seniority only from the date of their posting to regional workshop, Karimnagar. Aggrieved by the same, the petitioner preferred an appeal before the Regional Manager, APSRTC, Karimnagar on 6.9.1988, which was rejected in the year 1988. Therefore, the petitioner filed a writ petition in W.P.No.2763 of 1989 questioning his wrong placement in the seniority list of Machanics, which was pending for consideration.

Learned counsel for the petitioner contended that the petitioner was appointed as Grade-II Mechanic on 3-1-1981 whereas Sri P. Narasaiah, who is junior to the petitioner, was initially appointed as Kalasee and subsequently promoted as Mechanic Gr.II. However, in the final seniority list, P. Narasaish, was shown as senior to the petitioner. It is his contention that seniority in the post of Mechanic has to be taken into consideration but not the seniority at the entry level. He also contended that if the petitioner is not promoted now, he will be left with no vacancy and will remain in the same post.

From a reading of the material available on record, it is evident that the final seniority list has been communicated to the petitioner by proceedings dated 16-5-1983 stating that he was placed in provisional seniority list in accordance with the preferences communicated by Head office vide their letters dated 21-8-1980 and 11-9-1980. But it has to be observed that the seniority list has been communicated to the petitioner for submission of his objections, if any. After considering the objections of the petitioner, the seniority list was finalized.

Under the above circumstances, the seniority list, which was in existence, cannot be disturbed nearly after a period of 21 years by way of this writ petition. Hence, we do not find any reason to interfere with the impugned order. But, however, there shall be a direction to the first respondent to consider the case of the petitioner in his own turn.

Accordingly, the Writ Petition is dismissed. No costs.

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Js. **T. MEENA KUMARI, J.**

24th January, 2005

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S. ANANDA REDDY, J.

To

1 The Works Manager, APSRTC, Regional Workshop,

Karimnagar.

2 2 CD copies.